

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

AMERICAN MEDICAL SYSTEMS, INC.,
a Delaware corporation,
AMS RESEARCH CORPORATION,
a Delaware corporation,

Civil Case No. _____

Plaintiffs,

COMPLAINT

v.

Jury Trial Demanded

CALDERA MEDICAL, INC.,
a California corporation,

Defendant.

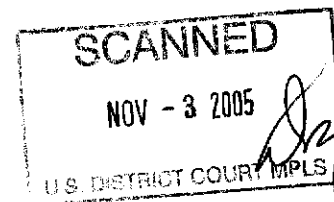
Plaintiffs American Medical Systems, Inc. ("AMS") and AMS Research Corporation (f/k/a American Medical Systems International, Inc.) ("AMS Research"), as and for their Complaint herein, state as follows:

INTRODUCTION

1. This is an action for judgment that Defendant Caldera Medical, Inc. ("Caldera") infringes United States Patent No. 6,911,003 B2 ("the '003 patent") under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. Plaintiff American Medical Systems, Inc. is a Delaware corporation with a principal place of business at 10700 Bren Road West, Minnetonka, MN 55343. AMS is a



world leader in developing, promoting, and selling medical devices and procedures to treat urinary incontinence and other medical disorders.

3. Plaintiff AMS Research Corporation is a Delaware corporation with a principal place of business at 10700 Bren Road West, Minnetonka, MN 55343.

4. Defendant Caldera Medical, Inc. is a California corporation with a principal place of business at 28632 Roadside Drive, Suite 260, Agoura Hills, CA 91301.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et. seq.*

6. This Court has subject matter jurisdiction under the provisions of 28 U.S.C. §§ 1331 and 1338(a).

7. Caldera is subject to personal jurisdiction of this Court pursuant to Minn. Stat. § 543.19 as applied through Rule 4 of the Federal Rules of Civil Procedure by transacting business within the State of Minnesota and in this District and/or committing acts outside the State of Minnesota causing injury in the State of Minnesota.

8. Venue is proper in this Court under 28 U.S.C. § 1391(b) and (c) because Caldera is deemed to be a resident of this District for purposes of venue and because a substantial part of the events giving rise to the claim occurred in this District, and with respect to the claim of patent infringement pursuant to 28 U.S.C. § 1400(b), Caldera has committed acts of infringement in this District.

FACTUAL ALLEGATIONS

9. AMS leads the way in bringing new options to patients and their physicians in the treatment of urinary incontinence in women. Working closely with physicians, AMS invests a substantial amount of capital in surgeon training, research and development of new products and product enhancements. AMS's substantial investment has resulted in the creation of innovative products that help restore continence to women.

10. AMS Research Corporation is the owner of the entire right, title and interest in United States Patent No. 6,911,003 B2 entitled "Transobturator Surgical Articles and Methods," issued to Kimberly A. Anderson, Brian P. Watschke, Georges Mellier, and Johann J. Neisz on June 28, 2005, and assigned by the inventors to AMS Research Corporation. AMS is the exclusive licensee to the '003 patent. A true and correct copy of the '003 patent is attached as Exhibit A.

11. The '003 patent discloses novel surgical instruments and methods for treating incontinence using a transobturator procedure.

12. In violation of 35 U.S.C. § 271, Caldera has infringed and is continuing to infringe at least one claim of the '003 patent by the manufacture, offer to sell, and sale of at least one infringing product including Caldera's T-Sling system with a helical introducer, inside-out introducer, and/or hook introducer for use during a transobturator procedure.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 6,911,003 B2

13. Plaintiffs incorporate herein their allegations set forth in paragraphs 1 through 12.

14. Caldera has by its conduct, including the manufacture, offer to sell, and sale of at least its T-Sling system, infringed directly, contributorily and/or by inducement at least one claim of the '003 patent.

15. Plaintiffs have been irreparably damaged by such infringement, and unless enjoined by this Court, Caldera will continue its infringing activity, causing further irreparable harm to Plaintiffs.

JURY TRIAL DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure and Local Rule 38.1, Plaintiffs demand a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for judgment as follows:

A. A permanent injunction against Caldera, its officers, agents, servants, their assigns and successors in interest, and those persons in active concert or participation with them, including distributors, enjoining them from continuing acts of infringement of the '003 patent;

B. An accounting for damages under 35 U.S.C. § 284 for infringement of the '003 patent by Caldera, together with pre-judgment and post-judgment interest;

C. That this be adjudged an exceptional case and that Plaintiffs be awarded their costs, expenses and reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

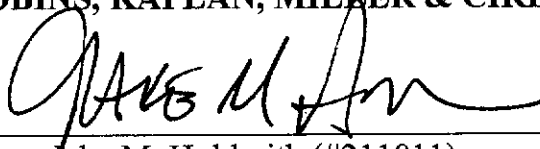
D. An Order granting Plaintiffs their damages, their reasonable attorneys' fees incurred in the prosecution of this action, together with lawful costs and disbursements; and

E. Such other relief as the Court may deem just and proper.

Dated: November 3, 2005.

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By



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November 3, 2005

VIA MESSENGER

Clerk of U.S. District Court
District of Minnesota
202 U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415

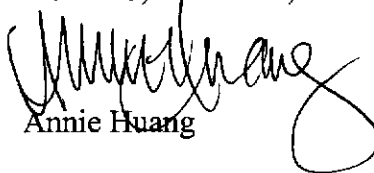
Re: *American Medical Systems, Inc. v. Caldera Medical, Inc.*
Our File No.: 122994.0002

Dear Clerk:

Enclosed for filing please find the original Civil Cover Sheet, Summons, Complaint, two copies of Plaintiffs' Rule 7.1 Disclosure Statement, and our filing fee of \$250. We have enclosed a copy of the Complaint, which we ask that you file stamp and return to our office.

Very truly yours,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.


Annie Huang

AH/dgt
Enclosures

cc: Jose' W. Jimenez, Esq. (via U.S. Mail)

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